

Remarks

Claims 14, 16-19, 21, 22, and 24-26 are pending. Claims 14, 18, and 22 have been amended. Claims 15, 20, and 23 have been cancelled.

I. Rejections under 35 U.S.C. § 112

Claims 14-26 stand rejected under 35 U.S.C. § 112. Applicant has amended independent claims 14, 18, and 22 to address the Examiner's objections.

II. Rejections under 35 U.S.C. § 102

Independent claims 14, 18, and 22 stand rejected under § 102(e) as being anticipated by U.S. Patent No. 5,995,830 to Amin et al. ("Amin"). As each independent claim has been amended to include an additional element from a dependent claim, the Examiner's § 103 rejection of relevant elements is addressed in the following section.

III. Rejections under 35 U.S.C. § 103

Various claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Amin in view of U.S. Patent No. 5,689,548 to Maupin et al. ("Maupin"). Pursuant to MPEP § 2142, "[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." It is submitted that the Office action does not factually support a prima facie case of obviousness based on Amin and Maupin for the following reasons.

A. Even When Combined, the References Do Not Teach the Claimed Subject Matter

Claims 14, 16, and 17

MPEP § 2143 requires that "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Claim 14, as amended, recites in part determining whether a call was placed to an emergency number, wherein said call is to be automatically reestablished by said RF communications network if said call was placed to an emergency number.

As stated in the Office action (with respect to claim 15), because Amin fails to teach or suggest determining whether a call was placed to an emergency number or emergency

operator, Amin is combined with Maupin. However, Maupin not only fails to supply the deficiencies of Amin, but Maupin actually teaches away from Applicant's disclosure. For example, Maupin discloses a Public Safety Answering Point (PSAP) that initiates a reconnect for dropped calls. More specifically, "[i]n case the first call connection between the PSAP terminal 120 and the mobile station 30 is disconnected, the PSAP 110 initiates a call back request to establish a call connection with the mobile station 30 by transmitting a second IAM signal 150(2)." (emphasis added) (Col. 4, lines 44-49). In another example from Maupin, "[i]n case the first emergency call connection is disconnected between the two parties and the PSAP 110 wants to call back the mobile station 30, the received TLDN is transmitted as the Cdpn for the second IAM signal 150(2)." (emphasis added) (Col. 5, lines 5-9). In still another Maupin example, "[i]f the first emergency call connection is disconnected and the PSAP wishes to call back the mobile station 30, a second IAM signal 150(2) with the received MSC directory number as the Cdpn is transmitted." (emphasis added) (Col. 6, lines 6-9). Accordingly, Maupin fails to teach or suggest determining whether a call was placed to an emergency number, because the PSAP disclosed in Maupin initiates the call back procedure when a call is dropped.

Therefore, Amin and Maupin, whether taken singly or in combination, fail to teach or suggest all the claim limitations as required by MPEP § 2143. Accordingly, claim 14 is allowable. Claims 16 and 17 depend from and further limit claim 14, and are allowable over the cited references for at least the same reasons as claim 14.

Claims 18, 19, and 21

As stated previously, MPEP § 2143 requires that "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." Claim 18, as amended, recites in part software instructions for determining whether said call was placed to an emergency operator, wherein said call is to be automatically reestablished by said RF communications network if said call was placed to an emergency operator.

As stated in the Office action, because Amin fails to teach or suggest determining whether a call was placed to an emergency number or emergency operator, Amin is combined with Maupin. However, Maupin not only fails to supply the deficiencies of Amin, but Maupin actually teaches away from Applicant's disclosure. As stated above with respect to claim 14, Maupin discloses a PSAP that initiates a reconnect for dropped calls and fails to teach or suggest determining whether a call was placed to an emergency operator.

Therefore, Amin and Maupin, whether taken singly or in combination, fail to teach or suggest all the claim limitations as required by MPEP § 2143. Accordingly, claim 18 is allowable. Claims 19 and 21 depend from and further limit claim 18, and are allowable over the cited references for at least the same reasons as claim 18.

Claims 22 and 24-26

As stated previously, MPEP § 2143 requires that “[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.” Claim 18, as amended, recites in part means for determining whether said call was placed to an emergency number, wherein said call is to be automatically reestablished by said RF communications network if said call was placed to an emergency number.

As stated in the Office action, because Amin fails to teach or suggest determining whether a call was placed to an emergency number or emergency operator, Amin is combined with Maupin. However, Maupin not only fails to supply the deficiencies of Amin, but Maupin actually teaches away from Applicant's disclosure. As stated above with respect to claim 14, Maupin discloses a PSAP that initiates a reconnect for dropped calls and fails to teach or suggest determining whether a call was placed to an emergency number.

Therefore, Amin and Maupin, whether taken singly or in combination, fail to teach or suggest all the claim limitations as required by MPEP § 2143. Accordingly, claim 22 is allowable. Claims 24-26 depend from and further limit claim 22, and are allowable over the cited references for at least the same reasons as claim 22.

B. The Combination of References is Improper

Furthermore, Applicant respectfully submits that the combination of Amin and Maupin is improper. According to MPEP § 2143.01, “[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.... The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.”

The case law is clear that there must be evidence that a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed. It

is also clear that a rejection cannot be predicated on the mere identification of individual components of claimed limitations. Rather, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed. *Ecolochem Inc. v. Southern California Edison*, 56 USPQ2d 1065, 1076 (Fed. Cir. 2000). Here, no such evidence has been presented for the combination of Amin and Maupin. Accordingly, the combination is improper and claims 14-26 are allowable over the cited art.

IV. Conclusion

Therefore, it is respectfully submitted that independent claims 14, 18, and 22 are in condition for allowance. Dependent claims 16, 17, 19, 21, and 24-26 depend from and further limit their respective independent claims and therefore are allowable as well.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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